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10/697,063	10/30/2003	Eugene M. Musselwhite III	000120.0002	8129

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EXAMINER

NEWTON, JARED W

ART UNIT	PAPER NUMBER
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3693

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/697,063	Applicant(s) MUSSELWHITE, EUGENE M.	
	Examiner JARED W. NEWTON	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This non-final rejection is in reply to the remarks filed December 5, 2008, by which claims 1, 2, 12, and 17-21 were amended. Claims 1-21 are pending.

Claim Objections

Claim 1 is objected to because of the following informalities: The following recitation is grammatically incorrect: “determining whether the qualified consultant users wishes to provide...” (Claim 1, lines 9-10). Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 17 sets forth an “article of manufacture” in the preamble, but the body of the claim sets forth only process/method steps. Claim 17, therefore, improperly claims more than one statutory class of invention.

Claims 18 and 19 are rejected under this section because they depend from claim 17.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 sets forth an "article of manufacture" in the preamble, but does not limit the claimed article with structural limitations. Rather, the body of claim 17 recites only a process/method step.

Claims 18 and 19 are rejected under this section because they depend from claim 17.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 10-16, 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,581,105 to Miloslavsky et al. (hereafter Miloslavsky).

In regard to claim 1, Miloslavsky discloses a system and method for facilitating the exchange of information between human users in a networked-computer environment, said method comprising the steps of:

receiving an information request or query from a human user via a user email account, wherein the information request does not specify a source from which the requested information can be obtained (see col. 35, lines 41-56);

soliciting the requested information from a plurality of qualified consultants from a database of qualified consultants (see col. 35, line 57 – col. 36, line 27; col. 38, lines 20-31);

determining whether the qualified consultant users wish to provide the requested information (see id; see also claim 7);

receiving the requested information from the plurality of qualified consultants via a computer (see col. 37 lines 57-63); and

sending the requested information to the customer user via the customer's email account (see id.).

In regard to claim 2, Miloslavsky discloses a system and method for facilitating the exchange of information between human users in a networked-computer environment, said method comprising the steps of:

receiving an information request or query from a human user via a database (see col. 35, lines 41-56);

determining whether a plurality of qualified consultant users in a database wishes to provide the requested information (see id; see also claim 7; col. 38, lines 20-31);

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soliciting the requested information from the plurality of qualified consultant users in a database of qualified consultants (see col. 35, line 57 – col. 36, line 27; col. 38, lines 20-31);

receiving the requested information from the plurality of qualified consultants via a computer (see col. 37 lines 57-63); and

sending the customer user notification that information is available via the customer's email account (see id.).

In regard to claim 3, Miloslavsky further discloses the step of screening consultants based on certain criteria (see col. 35, lines 57-65; see also col. 37, lines 36-51).

In regard to claim 4, Miloslavsky further discloses said criteria including the experience of the consultant (see id.).

In regard to claim 5, the method of Miloslavsky further includes the step of accessing the database to obtain the requested information (see e.g. claim 1).

In regard to claim 6, Miloslavsky further discloses that database as accessed via a hyperlink to the database user interface (see col. 12, lines 5-44).

In regard to claim 10, Miloslavsky further discloses the requested information as solicited from qualified consultants via an email information request generated by the database (see col. 35, lines 57-65).

In regard to claim 11, Miloslavsky further discloses the email information request as not identifying the user.

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In regard to claims 12-16, 20 and 21, the article of manufacture and method set forth are deemed anticipated by the Miloslavsky reference as applied to claims 1-6, 10 and 11 above. Miloslavsky discloses the method set forth and further discloses said method as implemented via a computer system including a computer readable medium having machine executable instructions thereon.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky as applied to claims above, alone.

In regard to claims 7-9, Miloslavsky discloses the method set forth above. Miloslavsky further discloses the language of the incoming email as a criterion for routing the email to a particular consultant (see col. 37, lines 36-51), but does explicitly disclose the translation of an incoming query from an origin language to a target language before said query is made available to a consultant. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide as a step in the method of Miloslavsky a translation of incoming email communication from the origin language to a target language. Motivation for such a step would be to facilitate the answering of such a query when there is not an available consultant fluent in the

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language of the incoming communication. In further regard to claims 8 and 9, it would have been further obvious to translate the incoming/outgoing communication from/to a non-English language, such as Chinese.

In regard to claims 17-19, the article of manufacture and method set forth are deemed obvious over the Miloslavsky reference as applied to claims 7-9 above. Miloslavsky discloses the method set forth and further discloses said method as implemented via a computer system including a computer readable medium having machine executable instructions thereon.

With respect to the above rejections, the Examiner has cited particular portions of the reference(s), and although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant consider each cited reference in its entirety as potentially teaching the limitations of the claimed invention.

Response to Arguments

Applicant's arguments filed December 5, 2008 have been fully considered but they are not persuasive.

Rejections under 35 USC 101:

Applicant contends that the amendments filed December 5, 2008 overcome the rejection of claims 17-21 under 35 USC 101 set forth in the Non-Final Rejection mailed

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February 14, 2008 (Remarks, page 7). The amendments correct the preamble of the noted claims so that they are consistent with the claims from which they depend. The amendments do not, however, overcome the rejection of claims 17-19 because claim 17 introduces a second statutory class where it claims solely a method step. Because claim 17 does not structurally limit the "article of manufacture" claim from which it depends, it improperly claims more than one statutory class of invention.

Rejections under 35 USC 112:

Applicant contends that the amendments filed December 5, 2008 overcome the rejection of claims 17-21 under 35 USC 112 set forth in the Non-Final Rejection mailed February 14, 2008 (Remarks, page 7). The amendments correct the preamble of the noted claims so that they are consistent with the claims from which they depend. The amendments do not, however, overcome the rejection of claims 17-19 because claim 17 fails to structurally limit the claim from which it depends, rendering claim 17 indefinite.

Rejections under 35 USC 102 and 103:

Applicant contends that the Miloslavsky et al. reference does not disclose "solicitation of a plurality of qualified consultants to answer queries from human users." (Remarks, pages 7 and 8). To the contrary, Miloslavsky et al. explicitly discloses solicitation of a plurality, or more than one qualified consultant. Miloslavsky et al. state that "if an incoming mail is re-routed to another qualified and available support person within a predetermined time interval (e.g., three days), the mail is re-routed to another

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qualified and available support person.” (Miloslavsky et al., col. 38, lines 22-25).

Accordingly, Miloslavsky et al. teach that: a first qualified consultant is solicited, the system determines whether that consultant will respond to the inquiry, and a second consultant is solicited if the first consultant does not respond.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JARED W. NEWTON** whose telephone number is (571)272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

/J. W. N./
for Jared Newton, Examiner of Art Unit 3693